

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

David Robbins,

Petitioner,

v.

Case No. 1:15cv181

Warden, Chillicothe Correctional  
Institution,

Judge Michael R. Barrett

Respondent.

**ORDER**

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on March 9, 2016 (Doc. 11).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 11) of the Magistrate Judge is hereby **ADOPTED**. The Petition for Writ of Habeas Corpus (Doc. 5) is **DISMISSED** with prejudice.

A certificate of appealability should not issue consistent with the recommendation by the Magistrate Judge on Grounds One through Six of the petition. With respect to any application by petitioner to proceed on appeal in *forma pauperis*, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of any Order adopting this Report and Recommendation would not be taken in "good faith," and therefore **DENIES** petitioner leave

to appeal in *forma pauperis* upon a showing of financial necessity. See Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6<sup>th</sup> Cir. 1997).

Pursuant to 28 U.S.C. § 1915(a), any request for certificate of appealability or request to appeal *in forma pauperis* would not be taken in good faith and would be denied.

**IT IS SO ORDERED.**

s/Michael R. Barrett  
Michael R. Barrett  
United States District Judge